

INTERROGATION AND SEARCHES

Background

School authorities have a responsibility to cooperate with the police and other civilian authorities. They also have a responsibility to students to function in loco parentis (in the place of parents) during school hours. Occasionally, circumstances may develop where school officials are asked by certain authorities for permission to interrogate a student or search his/her locker, personal property or person.

School officials are expected to cooperate with police and other appropriate civilian authorities in the execution of their duties.

Guidelines

1. The District strongly encourages investigating officers and officials to conduct their investigation without recourse to interviews with students in school unless they deem such interviews essential to proper investigation.
2. Interviews will be conducted in a manner that ensures students' rights are protected.
3. No person except the legal guardian of the student, or law enforcement officers shall be permitted to interview a student on school premises. Under some circumstances, child welfare authorities may interview students in school (51.3-A.R.).

Procedures

Interrogations: Law Enforcement Officers

1. When authorized persons find it necessary to visit a school to interview a student, they shall report to the office of the Principal, provide appropriate identification of themselves and make known the purpose of their visit.
2. When law enforcement authorities, in the course of their duties, find it necessary to interview a student on the school premises, the following will occur:
 - 2.1 Prior to the interview taking place, attempts should be made to contact the parents, or guardian, except in cases where the investigation allegedly has to do with child abuse by the parent or guardian. If possible, parents or guardians should be present at the interview.
 - 2.2 If the parent cannot be present, the Principal or designate must sit in on the interview where a child is under twelve years of age. The Principal or designate does not automatically have the right to be present at interviews;

- i.e. he/she cannot assume or state that he/she is the student's representative or advocate. The student has the right to select his/her own advocate.
- 2.3 The Principal or designate will bring the student to the office where the interview will take place in the presence of the Principal or designate (students under twelve years of age) or in the presence of counsel as selected by the student (students under eighteen years of age).
 - 2.4 The law enforcement office is responsible for informing the student (ages twelve to seventeen) that:
 - 2.4.1 The student is under no obligation to give a statement.
 - 2.4.2 Any statement given by him/her may be used as evidence in proceedings against him/her.
 - 2.4.3 He/She has the right to consult with counsel or a parent or, in the absence of a parent or adult relative, any other appropriate adult (over eighteen) of his/her choice.
 - 2.4.4 Any statement made by him/her must be made in the presence of the person consulted unless he/she expressly waives that right in writing.
 - 2.5 If the student requests the Principal or other staff member to be present during the interview, it is desirable that the individual comply in loco parentis. However, the staff member is not obligated. Therefore, if the request is refused, the student may select some other adult to be present.
 - 2.6 The Principal or designate can request to sit in on the interview as a silent observer. The police officer would then be responsible to inform the student of the request. If the student does not consent, the Principal or designate may then determine:
 - 2.6.1 To let the interview go ahead without the Principal or designate in attendance.
 - 2.6.2 To request that the interview be removed from the school premises.
 - 2.7 Before removing a student from the school, the police officer should communicate by phone with the parent/guardian and inform him/her of the course of action taken.
 - 2.8 Police officers will do all in their power to comply with the wishes of the Principal or designate where such wishes are not inconsistent with this procedure or regulations of the police department.
 - 2.9 Any breach of this procedure must be reported immediately to the Superintendent.

Interview By Child Welfare Workers

1. When child welfare workers find it necessary to visit a school to interview a student, they shall report to the Principal, provide appropriate identification, make known the nature of the investigation and indicate why the interview must be conducted.

2. If the matter is urgent and there is a need to conduct the interview in school hours, the Principal or designate shall facilitate access to the child.
3. Interviews are to be permitted on school premises in cases of suspected child abuse or neglect when the investigation involves suspected physical/sexual abuse.
4. The Principal is to receive assurance from the child welfare worker that the parents or legal guardians will be informed about the investigation if it involves pupils under eighteen years of age.
5. The responsibility for notifying parents about an investigation rests with the child welfare worker or police.
6. The Principal should clarify with the child welfare worker or the police as to when contact with the parents will be made.
7. The Principal, following consultation with the pupil and the child welfare worker, will determine whether or not it is in the best interest of the child to have a staff member sit in on the interview.
8. Child welfare authorities have the power to apprehend a child where there is sufficient evidence to suggest the child is in need of protection.

Searches

1. Student property may be subject to unannounced searches from time to time as may be considered appropriate.
2. School officials shall attempt at all times to protect the students' right to privacy.
3. Students and their parents shall be informed at the beginning of each school year or semester, regarding any school policy in effect, that student property is subject to periodic searches of a general administrative nature for contraband and rule violations.
4. The grounds for conducting a search shall be recorded in writing by the Principal and kept on file.
5. The student shall be present during the search whenever possible.
6. In addition to the searcher, at least one other adult witness shall be present when the search takes place.
7. If the proposed search revolves around a suspicion of criminal activity, the police shall be informed, and they shall conduct the search.

Reference: Section 45, 60, School Act
Child Welfare Act